



IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

AMANDA GRAHAM

PLAINTIFF

v.

CIVIL ACTION NO. 3:19 cv 134 HTW-LRA

JACOB A. IVEY, WAL-MART
STORES, INC., WAL-MART STORES
EAST, LP, WAL-MART STORES
EAST, INC., AND JOHN DOES I-III

DEFENDANTS

COMPLAINT
JURY TRIAL REQUESTED

COMES NOW the Plaintiff, Amanda Graham, by and through her attorney, and files this Complaint against the Defendants, Jacob A. Ivey, Wal-Mart Stores, Inc., Wal-Mart Stores East, LP, Wal-Mart Stores East, Inc. and John Does I-V, and in support thereof would respectfully show unto the Court as follows:

1. The Plaintiff, Amanda Graham, is an adult resident citizen of Lauderdale County, Mississippi.
2. Defendant, Jacob A. Ivey, is an adult resident citizen of Williamson County, Illinois.
3. Defendant, Wal-Mart Stores, Inc. is foreign corporation licensed to do business and doing business in the State of Mississippi, and which may be served with process by serving its registered agent for service of process, C.T. Corporation Systems of Mississippi, at 645 Lakeland East Drive Suite 101, Flowood, MS 39232.
4. Defendant, Wal-Mart Stores East, Inc. is foreign corporation licensed to do business and doing business in the State of Mississippi, and which may be served with process by serving its registered agent for service of process, C.T. Corporation Systems of Mississippi, at 645 Lakeland East Drive Suite 101, Flowood, MS 39232.

5. Defendant, Wal-Mart Stores East, LP is foreign limited partnership licensed to do business and doing business in the State of Mississippi, and which may be served with process by serving its registered agent for service of process, C.T. Corporation Systems of Mississippi, at 645 Lakeland East Drive Suite 101, Flowood, MS 39232.
6. Defendants, Wal-Mart Stores, Inc., Wal-Mart Stores East, Inc., and Wal-Mart Stores East, LP are hereinafter referred to individually and collectively as “Walmart.”
7. The true names and capacities, whether individual, corporate, associate, representative, or otherwise, of Defendants named herein as John Does I-III are unknown to Plaintiff. Plaintiff consequently sues these Defendants by those fictitious names and will seek to amend this Complaint and state the true names and capacities of these Defendants when they have been ascertained.
8. Jurisdiction is proper due to complete diversity of citizenship of the named parties, and the amount in controversy exceeds the sum of \$75,000, exclusive of interest and costs.
9. On or about August 17, 2017, Plaintiff was traveling northbound at or slightly below the speed limit in the right lane of Interstate 59 near Meridian, MS, at which time a vehicle being driven by Jacob A. Ivey, traveling at a high rate of speed in this same lane of travel behind Plaintiff, collided with the rear of Plaintiff’s vehicle, causing it to leave the roadway.
10. Due to the collision, Plaintiff suffered personal injuries.
11. The aforementioned Jacob A. Ivey, in colliding with the rear of Plaintiff’s vehicle, was negligent in one or more of the following ways:
 - a. failing to yield the right of way;
 - b. failing to abide by the speed limit;

- c. traveling at a speed too fast for conditions then present;
 - d. failing to keep a proper lookout;
 - e. failing to maintain a proper lane;
 - f. failing to abide by the laws of the State of Mississippi pertaining to operation of a motor vehicle; and
 - g. other unlawful and/or negligent acts as ascertain through discovery.
12. At the time of the incident, Jacoby A. Ivey was employed by one or more of the Walmart Defendants and was acting in the course and scope of his employment with his employer.
13. Walmart is vicariously liable to Plaintiff for any damages assessed by a jury in this matter for the claims made the basis of the present lawsuit.
14. The negligence of Jacoby A. Ivey, for whom one of the Walmart Defendants are vicariously liable, was the sole and proximate cause of the resulting crash and Plaintiff's injuries.
15. Due to those injuries suffered by Plaintiff, Plaintiff is entitled to recover from the Defendants the following damages:
- a. Medical and related expenses, including pre-judgment interest thereon;
 - b. Physical pain and suffering, and permanent impairment, if any;
 - c. Lost earning capacity, if any;
 - d. Lost wages, including pre-judgment interest thereon;
 - e. All other damages arising from, or in any way associated with, the subject accident and resulting injuries to the Plaintiff.

WHEREFORE, PREMISES CONSIDERED, Plaintiff seeks compensatory damages from the Defendants in the amount of TWO MILLION DOLLARS (\$2,000,000.00).

THIS, the 20th day of February, 2019.

PLAINTIFF, AMANDA GRAHAM

A handwritten signature in black ink, appearing to read "R. Kevin Hamilton".

R. KEVIN HAMILTON - MSB # 100886

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